

Congress of the United States
Washington, DC 20515

November 26, 2018

The Honorable Mitch McConnell
Majority Leader
United States Senate
317 Russell Senate Office Building
Washington, DC 20510

Dear Majority Leader McConnell:

We write to respectfully request that you cancel all votes this week on the nomination of Thomas Farr as a District Judge of the United States District Court for the Eastern District of North Carolina and allow his nomination to expire in the 115th Congress. Mr. Farr's concerning record of justifying and enhancing voter-suppression tactics, including discriminatory campaign schemes, gerrymandering efforts, and election law changes in North Carolina that have gained national notoriety, signal that Mr. Farr will not be an impartial jurist. Mr. Farr's confirmation will threaten the participation of African-Americans and other vulnerable populations in our political process.

Mr. Farr's nomination has been opposed by numerous civil rights organizations including the NAACP's Legal Defense and Educational Fund (LDF), the Human Rights Campaign (HRC), and the Leadership Conference on Civil and Human Rights (Leadership Conference). These groups cite Mr. Farr's troubling history as a consistent opponent to African-American participation in the political process, as well as basic civil rights protections for Americans, as the primary reason for opposing his nomination. In a letter to the U.S. Senate dated October 16, 2017, the Leadership Conference stated that, "Mr. Farr has devoted much of his 38-year legal career to restricting voting rights and defending employment discrimination.¹" This sentiment is shared by the Congressional Black Caucus, who believe that Mr. Farr's history as an attorney leaves him unfit to make judgments on the scope of critical legal rights and protections.

Mr. Farr's career has seen numerous attempts to restrict voting rights for African-Americans. As a campaign aide for Senator Jesse Helms's 1990 Senatorial race, Mr. Farr was instrumental in the campaign's effort to send over 100,000 postcards to African-American voters in North Carolina, suggesting they could face criminal penalties if they attempted to vote. While Mr. Farr claimed in his September 2017 Senate Judiciary Committee confirmation hearing that he had no recollection of this event, statements from a former Department of Justice prosecutor, numerous

¹Gupta, V. (2017, October 16). Oppose the Confirmation of Thomas Farr to the U.S. District Court for the Eastern District of North Carolina [Letter written October 16, 2017 to U.S. Senate]. Retrieved July 30, 2018, from <https://civilrights.org/oppose-confirmation-thomas-farr-u-s-district-court-eastern-district-north-carolina/>.

news reports, and even Mr. Farr himself indicate that this is not accurate.² In any case, Mr. Farr defended this practice in federal court before signing a consent decree prohibiting the campaign from participating in such tactics. This event was so troubling that when President George W. Bush nominated Mr. Farr to the Eastern District Court in 2006 and again in 2007, the U.S. Senate Judiciary Committee did not even consider his nomination.

Mr. Farr's hostility to African-American political participation does not end with his time with Senator Helms. Mr. Farr was also responsible for advising the North Carolina General Assembly while it drew federal congressional districts that packed African-American voters into Districts 1 and 12, a move the U.S. Supreme Court affirmed was unconstitutional.³ Additionally, in 2013, Mr. Farr defended North Carolina's discriminatory voter ID law, which targeted African-American voters "with almost surgical precision", according to the U.S. Fourth Circuit Court of Appeals.⁴

Mr. Farr's nomination has been opposed by many of our nation's leading editorial boards, for many of the same aforementioned reasons stated in this letter. In an editorial expressing disapproval with other Trump Administration judicial nominees, the *Washington Post* stated that Mr. Farr's nomination should be "call[ed] back... to explain discrepancies regarding his knowledge of a voter-suppression effort by then-Sen. Jesse Helms's 1990 campaign."⁵ WRAL-TV in Raleigh, North Carolina stated that Mr. Farr's nomination represented "a plain, in your face, put down of African-Americans."⁶

These assessments, as well as those by hundreds of civil rights organizations, illustrate widespread agreement that, at best, Mr. Farr did not oppose attempts to attack voting rights; at worst, he may have fully supported and abetted these attacks. Mr. Farr's record and his lack of candor while testifying to the U.S. Senate should cause every U.S. Senator to question his fitness to serve as a federal judge.

² *Republicans advance Farr for judge as Democrats say pick shows Trump's 'racial animus'*, Charlotte Observer (Jan. 18, 2018) (online at <https://www.charlotteobserver.com/news/politics-government/article195344959.html>).

³ *The Supreme Court Finds North Carolina's Racial Gerrymandering Unconstitutional*, The Atlantic (May, 22, 2017) (online at <https://www.theatlantic.com/politics/archive/2017/05/north-carolina-gerrymandering/527592/>).

⁴ Southern Poverty Law Center, *From eugenics to voter ID laws: Thomas Farr's connections to the Pioneer Fund* (Dec. 2017) (online at <https://www.splcenter.org/hatewatch/2017/12/04/eugenics-voter-id-laws-thomas-farrs-connections-pioneer-fund>).

⁵ *The Senate is rushing through Trump's judicial nominees. These embarrassments prove it.*, The Washington Post (Dec. 17, 2017) (online at https://www.washingtonpost.com/opinions/the-senate-is-rushing-through-trumps-judicial-nominees-these-embarrassments-prove-it/2017/12/17/9123f6a4-e1da-11e7-8679-a9728984779c_story.html?utm_term=.fdd2a6be4ee1).

⁶ *Editorial: Farr's nomination makes the wrong statement*, WRAL-TV (Mar. 16, 2018) (online at <https://www.wral.com/editorial-on-the-merits-farr-s-nomination-falls-short/17420667/>).

As such, we ask that you cancel all votes on Mr. Farr's nomination this week and allow his nomination to expire in the 115th Congress. We appreciate your consideration of this request.

Sincerely,



ALMA S. ADAMS, Ph.D.
Member of Congress



G. K. BUTTERFIELD
Member of Congress



DAVID PRICE
Member of Congress

cc: The Honorable Charles E. Schumer, The Honorable Richard Burr, The Honorable Thom Tillis